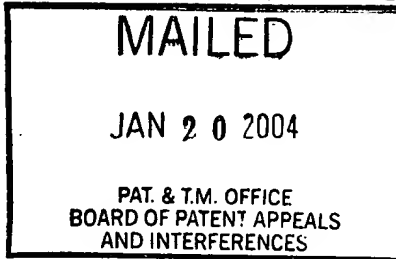


The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte BRANDON A. GROOTERS

Appeal No. 2002-0597
Application No. 09/238,375

ON BRIEF

Before THOMAS, JERRY SMITH, and DIXON, **Administrative Patent Judges**,
DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1-20,
which are all of the claims pending in this application.

We AFFIRM.

BACKGROUND

Appellant's invention relates to a method and apparatus for automatically generating a device user interface. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A system for generating a device user interface executable by an information handling system, comprising:

a processor for executing instructions on the information handling system and a memory coupled to said processor for storing instructions for execution by said processor;

a device database including listing available user interface components for implementing control functions of a device coupled to the information handling system;

a resource database including the user interface components, said resource database being stored separately from the device;

a user interface generator for determining whether the device is included in said device database and for retrieving the user interface components for that device from said resource database without requiring user intervention; and

a layout manager for assembling the user interface components retrieved by said user interface generator into a user interface executable by the information handling system to control the device.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Douma et al. (Douma)

5,990,884

Nov. 23, 1999
(Filed May 02, 1997)

Appeal No. 2002-0597
Application No. 09/238,375

Naughton et al. (Naughton)

6,020,881

Feb. 01, 2000
(Filed Feb. 18, 1997)

Claims 1-11, 13-16 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Douma. Claims 12 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Douma in view of Naughton.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellant regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 11, mailed Jun. 29, 2001) for the examiner's reasoning in support of the rejections, and to appellant's brief (Paper No. 10, filed Apr. 16, 2001) and reply brief (Paper No. 12, filed Aug. 31, 2001) for appellant's arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by appellant and the examiner. As a consequence of our review, we make the determinations which follow.

In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness. **See *In re Rijckaert***, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). A *prima facie* case of obviousness is established by presenting evidence that the reference teachings would appear to be

sufficient for one of ordinary skill in the relevant art having the references before him to make the proposed combination or other modification. **See In re Lintner**, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972). Furthermore, the conclusion that the claimed subject matter is *prima facie* obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the relevant teachings of the references to arrive at the claimed invention. **See In re Fine**, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Rejections based on § 103 must rest on a factual basis with these facts being interpreted without hindsight reconstruction of the invention from the prior art. The examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. See **In re Warner**, 379 F.2d 1011, 1017, 154 USPQ 173, 177 (CCPA 1967), **cert. denied**, 389 U.S. 1057 (1968). Our reviewing court has repeatedly cautioned against employing hindsight by using the appellant's disclosure as a blueprint to reconstruct the claimed invention from the isolated teachings of the prior art. **See, e.g., Grain Processing Corp. v. American Maize-Prods. Co.**, 840 F.2d 902, 907, 5 USPQ2d 1788, 1792 (Fed. Cir. 1988).

When determining obviousness, "the [E]xaminer can satisfy the burden of showing obviousness of the combination `only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." **In re Lee**, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002), citing **In re Fritch**, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992). "Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" **In re Dembiczak**, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). "Mere denials and conclusory statements, however, are not sufficient to establish a genuine issue of material fact." **Dembiczak**, 175 F.3d at 999, 50 USPQ2d at 1617, citing **McElmurry v. Arkansas Power & Light Co.**, 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993) .

Further, as pointed out by our reviewing court, we must first determine the scope of the claim. "[T]he name of the game is the claim." **In re Hiniker Co.**, 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998). Therefore, we look to the limitations set forth in independent claim 1.

From our review of the examiner's rejection in the answer and the teachings of Douma and Naughton, we find that the examiner has established a *prima facie* case of obviousness of the invention as recited in the claims on appeal. At the outset, we note

that appellant has elected to group the claims into three groups as set forth at page 3 of the brief. Therefore, we will address appellant's arguments with respect to claims 1, 3 and 12.

GROUP 1

Appellant argues that the examiner has not set forth a *prima facie* case of obviousness in the final rejection. (See brief at page 3 et seq.) While we agree with appellant that some of the examiner's citations to the teachings of Douma were not to correct passages, we note that the examiner has clarified the statement of the rejection in the answer. (See answer at page 3-6.) Throughout appellant's disputes with the examiner's rejection in the brief, the basic issues that appellant maintains are that Douma does not teach or suggest "a device database including listing available user interface components for implementing control functions of a device coupled to the information handling system" and "a resource database including the user interface components, said resource database being stored separately from the device" (emphasis added). Additionally, appellant argues that the "user interface generator for determining whether the device is included in said device database and for retrieving the user interface components for that device from said resource database without requiring user intervention" (emphasis added). While we agree with appellant that the invention of Douma is different than the claimed invention, we find that the examiner

has relied upon both the teachings of the Background of the Douma reference and the disclosure of the Douma invention with the choice made by that inventor.

From our review of the examiner's rejection and the examiner's reliance upon the prior art implementation before Douma, we find that the examiner relies on the background of Douma at col. 1 which teaches that it was well-known in the audio/video arts that when plural devices are connected to

a single integrated system, interface specifications for each component are typically kept at some central controlling device. If a new component is added to the system, the controlling device must be updated with the interface specification for this new component. This inconvenient procedure is also prone to errors resulting in the inoperative component due to the high likelihood of entering incorrect information in the controlling device. This will prevent the newly added multimedia component from functioning in the system." (Col. 1, lines 23-33) (Emphasis added.)

We agree with the examiner that this is a teaching of the well-known use of a central storage of a list of devices and their corresponding specifications at a central location.

While Douma teaches this well-known use of central storage, Douma discloses that this procedure was prone to errors and that Douma chose not to use the central storage.

Appellant argues that Douma teaches away for the use of central storage. (See brief at page 8.) We disagree with appellant and find that Douma merely discloses that he chose not to use the central storage due to the user errors in adding components to the system. With this well-known use of a centralized storage of interface data for

connecting the multimedia components, the data would have inherently stored the resource database separately from the device since it was centrally located which precludes storage at each device.

Appellant argues that the examiner has misinterpreted the user interface of the present invention and that the user interface components of the present invention "include modular interfaces" (See brief at page 5 and specification at pages 7-8.) Therefore, this argument is not persuasive since we find no support for appellant's argument in the language of independent claim 1.

With respect to the user interface generator and the layout manager, appellant argues that the examiner was in error in the final rejection. (See brief at page 5.) Again, the examiner has clarified the support for these limitations in the answer. Appellant argues that nowhere in Douma is there a teaching or a suggestion of a user interface generator that retrieves user components which are assembled by a layout manager into a user interface as claimed in claims 1 and 6. (See brief at page 6.) We disagree with appellant and find that Douma does teach that the component data is retrieved from the individual components to form a single integrated system with a programmable controller. Douma states at col. 7, lines 13-30, that

[i]n operation, as illustrated in FIG. 6, using the GUI program at PC/Web TV 26, the user selects a multimedia component in his or her A/V system 14 and requests control of that component in step 600. In step 602, the selected multimedia component transfers an appropriate

application program to Intelligent A/V receiver **10**. The application program includes interface specifications (modules **136**, **138**, **140** and **142** of FIG. **5**) for that particular component. Once the application program is transferred to Intelligent A/V receiver **10**, the graphics image of the component and its control switches are displayed in step **604** for user manipulation and control. That is, all of the necessary graphics and control files in a single application are transferred from the multimedia component for providing a seamless interface between that component and Intelligent A/V receiver **10** without the need for controller update, and for allowing the user to control A/V system **14** using PC/Web TV **26**.

Here, we find that Douma teaches "a user interface generator for determining whether the device is included in said device database and for retrieving the user interface components for that device from said resource database without requiring user intervention." Once the user selects the multimedia component, the system determines whether the component is in the database and retrieves the information from the device where the data is stored (or in view of the prior art central storage) to generate a seamless interface which is accessed via a graphics image. Therefore, Douma teaches and fairly suggests the user interface generator as claimed. Additionally, Douma teaches that the user can control the A/V system using the PC/WEB TV. This use of the PC/WEB TV with the graphics images would have been "a layout manager for assembling the user interface components retrieved by said user interface generator into a user interface executable by the information handling system to control the device" as recited in independent claim 1. Therefore, Douma teaches and fairly suggests the last limitation of independent claim 1.

Appellant argues that Douma merely passes a user interface and that in the present invention, a user interface is assembled and created from user components, available in a database separate from the device, automatically without user intervention. (See brief at page 6.) Again, we find that appellant's argument goes beyond the express language of independent claim 1. Therefore, this argument is not persuasive. Appellant argues that the user interface is "assembled" and "created" while the language of independent claim 1 states that the interface generator performs the functions of "determining" and "retrieving" without user intervention and the layout manager performs the function of "assembling" (with or without user intervention). (See brief at page 6.) Appellant argues that the interface generator also does these functions "automatically", but we do not find any automatic limitation in independent claim 1. Therefore, this argument is not persuasive.

Appellant argues that the examiner's rejection contains no teaching or suggestion of a centralized storage of the data. (See brief at pages 6-7.) We disagree with appellant and find that col. 1 of Douma teaches this well-known use of centralized storage of A/V interface specifications, and we agree with the examiner that this would have been a design choice for the skilled artisan and that the motivation for a skilled artisan to use this well-known alternative storage location would have been the ready

availability of a location which would have adequate memory capability to store the A/V interface specifications as discussed in col. 1, lines 34-42.

Appellant argues that the examiner has not provided a motivation for the contention that it would have been obvious to one of ordinary skill in the art to use any of the two options depending on the implementation. (See brief at page 7.) We disagree with appellant and find that the teaching in the background of Douma with respect to the use of centralized storage would have been a clear motivation for a skilled artisan to look to use centralized storage for the clear benefit of having all the data co-located, but that the problem of user interface and input error would have to be addressed. Appellant argues that in the Douma reference, an interface is retrieved for a device and is not generated and combined as in the present invention. Since there is no generation, in the Douma reference, there is no motivation for a centralized database of interface components since such a centralized database would be contrary to Douma's teaching. (See brief at page 7.) We disagree with appellant as discussed above. Douma teaches the alternative use of centralized storage, but identifies that the user based errors therewith caused problems. While Douma chose not to use centralized storage of interface data, we do find that Douma teaches the use and motivation of use thereof in a system for A/V interface setup with the specific trade offs in the prior art.

Appellant argues that the examiner's citation of only lines 22-26 of Douma does not include the whole teaching of Douma and that lines 22-33 of Douma actually fails to teach the present invention and actually teaches away from the present invention. (See brief at page 7.) We disagree with appellant as discussed above. Appellant argues that Douma does not teach or suggest a device database and a resource database utilized to generate a user interface. (See brief at pages 7-8.) We disagree with appellant and find that appellant's argument only considers Douma's invention and not the totality of the teachings therein. Appellant argues that his specification discloses that an advantage of the centralized database is that the resource database may be updated via a single information storage medium or via downloading updated information via a network. (See brief at page 8.) We find no support in the express language of independent claim 1 for this argument. Therefore, this argument is not persuasive. Appellant argues that storing the interface components in a separate database is no mere rearrangement of components, but an additional feature not taught by Douma. (See brief at page 8.) We disagree with appellant as discussed above. Appellant argues that Douma teaches away from a centralized database and the Douma disparages the use of a central database. (See brief at page 8.) We disagree with appellant as discussed above. Appellant argues that a *prima facie* case of

obviousness has not been established in the examiner's rejection. (See brief at page 8.) We disagree with appellant as discussed above.

Appellant argues that the examiner has changed the rejection in the examiner's answer and that the use of a centralized database in Douma would destroy the very intent of the Douma reference. (See reply brief at page 1.) We disagree with appellant and do not find any support for appellant's contention that the combination would destroy the intent of Douma. Clearly Douma acknowledges this well-known use of a centralized database, but chose not to use it. Appellant argues that the examiner has made a new argument and that the examiner has not shown each and every element of the claimed invention. (See reply brief at page 2.) We agree with appellant that the examiner's statement of the rejection was not written as clearly as it could have been, but we find that it is sufficient to convey the basis for the rejection. We will sustain the examiner's rejection of independent claim 1 and claims 2, 5-11, 13-16 and 18-20 which appellant elected to group with claim 1.

GROUP 2

Appellant argues that Douma discloses no such "automatic" system nor does Douma disclose a device database created without user intervention as claimed, nor does Douma disclose a resource database created without user intervention as claimed in dependent claims 3 and 4. (See brief at page 9.) First, we find no limitation as per

an "automatic" system. As discussed above, we find that after user input is made, the system would have carried out the claimed functionality. Additionally, with a central database as taught by Douma, there would have been a stored database which would have been accessed and therefore would have already been created. Therefore, no user intervention would have been required. Appellant argues that the examiner has not identified where the Douma reference teaches various teachings. (See brief at page 9.) We disagree with appellant and find that the examiner is merely interpreting the claim language as to the specific function recited therein that does not require user intervention. We agree with the examiner that there is not user intervention when those recited functions are carried out, but there may be user intervention prior to the execution of the recited function. Therefore, this argument is not persuasive. Appellant argues that the examiner's rejection is in error and that the examiner's statement that the resource database would have inherently included a list/database in the Douma's system pre-created database is in error. (See reply brief at page 3.) We disagree with appellant and find that the invention of Douma as modified by the prior art centralized database would have been available without requiring user intervention. We will sustain the rejection of dependent claim 3 and dependent claim 4 which appellant has elected to group therewith.

GROUP 3

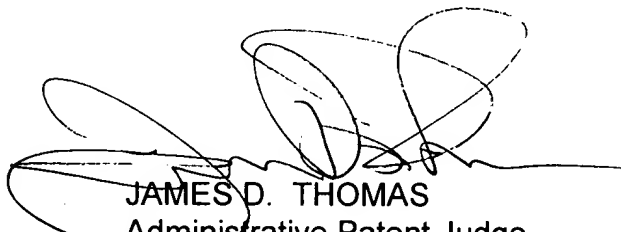
Appellant argues that there is no suggestion for the combination of Douma and Naughton. (See brief at page 10 and reply at page 3.) Appellant argues that there would be no necessity of creating a generic interface in the system of Douma. (See brief at page 10.) We disagree with appellant and find that the invention of Douma as modified by the prior art centralized database in light of the teachings of Naughton at col. 30 with respect to the use of a generic graphical user interface would have taught and fairly suggested the invention as recited in dependent claim 12. Here, appellant's argument appears to be based solely upon the invention of Douma rather than the teachings of the references as combined. Therefore, this argument is not persuasive. Appellant argues that the examiner has attempted to piece together the claimed invention. (See brief at page 10.) We disagree with appellant. Again, appellant relies upon the storage of data separately from the device as a distinction. (See brief at pages 10-11.) Again, we do not find this argument persuasive, and we will sustain the rejection of dependent claim 12 and dependent claim 17, which appellant elected to group therewith.

CONCLUSION

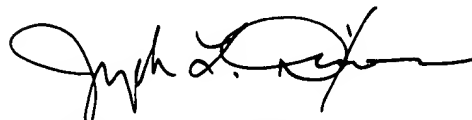
To summarize, the decision of the examiner to reject claims 1-20 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED


JAMES D. THOMAS
Administrative Patent Judge


JERRY SMITH
Administrative Patent Judge


JOSEPH L. DIXON
Administrative Patent Judge

)
)
)
)
)
) BOARD OF PATENT
) APPEALS
) AND
) INTERFERENCES
)
)
)
)

Appeal No. 2002-0597
Application No. 09/238,375

SUITER & ASSOCIATES
14301 F N B Parkway
SUITE 220
OMAHA, NE 68154-5299